

1 CHRISTOPHER R. ORAM, ESQ  
2 Nevada Bar No. 004349  
3 520 South Fourth Street, Second Floor  
4 Las Vegas, Nevada 89101  
5 (702) 384-5563  
6 E-Mail: contact@christopheroramlaw.com

7 Attorney for Defendant  
8 EVERLY JAMES

9  
10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 \* \* \* \* \*

13 UNITED STATES OF AMERICA,  
14 Plaintiff,

15 vs.

16 EVERLY JAMES

17 Defendants.

18 CASE NO. 2:17-cr-00180-JAD-PAL

19  
20 **STIPULATION TO CONTINUE THE**  
**REPLY TO THE GOVERNMENT'S**  
**RESPONSE (ECF No. 278) TO**  
**DEFENDANT'S MOTION TO DISMISS**  
**(ECF No. 267)(Second Request)**

21 IT IS HEREBY STIPULATED AND AGREED, by and between the United States of  
22 America, by and through Frank Coumou, Assistant United States Attorney, and Everly James,  
23 by and through his attorney, Christopher R. Oram, that the Reply to the Government's Response  
24 to Defendant's Motion to Dismiss, currently due on Wednesday, March 14, 2018, be continued  
25 for seven (7) days, until March 21, 2018, for the following reasons:

26 1. Counsel for the Defendant requires additional time to draft a Reply to the  
27 Government's Response and to discuss the Government's Response and the Reply with the  
28 Defendant. Counsel also requires additional time to draft the Reply as he is simultaneously  
29 drafting an Opening Brief in a capital murder case before the Nevada Supreme Court which is  
30 due on March 19, 2018.

31 2. The defendant is in custody and does not object to this stipulation.

32 CHRISTOPHER R. ORAM, LTD.  
33 520 SOUTH 4TH STREET | SECOND FLOOR  
34 LAS VEGAS, NEVADA 89101  
35 TEL. 702.384.5563 | FAX. 702.974.0623

1           3. Denial of this request could result in a miscarriage of justice because it prevents  
2 counsel for the Defendant from having meaningful discussions with the Defendant concerning  
3 the Reply.

4           4. This is the second request to continue the Reply to the Government's Response to  
5 Defendant's Motion to Dismiss.

6  
7           /s/ Frank Coumou 03/13/2018  
8           FRANK COUMOU DATE  
9           Assistant United States Attorney

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11           /s/ Christopher R. Oram 03/13/2018  
12           CHRISTOPHER R. ORAM DATE  
13           Counsel for Defendant E. James

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Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. Counsel for the Defendant requires additional time to draft a Reply to the Government's Response and to discuss the Government's Response and the Reply with the Defendant. Counsel also requires additional time to draft the Reply as he is simultaneously drafting an Opening Brief in a capital murder case before the Nevada Supreme Court which is due on March 19, 2018.

2. The defendant is in custody and does not object to this stipulation.

3. Denial of this request could result in a miscarriage of justice because it prevents counsel for the Defendant from having meaningful discussions with the Defendant concerning the Reply.

4. This is the second request to continue the Reply to the Government's Response to Defendant's Motion to Dismiss.

For all of the above-stated reasons, the end of justice would best be served by a seven (7) day continuance of the deadline for the Defendant to file his Reply to the Government's Response to Defendant's Motion to Dismiss.

## **ORDER**

IT IS ORDERED that the Defendant's deadline to respond to the Government's Response to Defendant's Motion to Dismiss, currently scheduled for March 14, 2018, be vacated and continued to March 21, 2018.

DATED this 21st day of March, 2018.

Tiggy A. Deer

THE HONORABLE PEGGY A. LEEN  
United States Magistrate Judge